

REMARKS

The last Office Action of March 24, 2005, has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-8 are pending in the application. Claims 1, 2, 6 and 7 have been amended. Claims 4 and 5 have been canceled. Claims 9-12 have been added. Claims 1-3, and 6-12 remain in the application. No amendment to the specification has been made. No fee is due.

Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,301,665 to Simonich et al. (hereinafter "Simonich") in view of U.S. Pat. No. 4,023,139 to Samburg or U.S. Pat. No. 5,319,705 to Halter et al. (hereinafter "Halter"), and further in view of U.S. Pat. No. 3,725,877 to Keil or U.S. Pat. No. 3,847,262 to Higgins.

Claims 4 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the documents cited above for the rejection of claim 1-3, and further in view of Applicant's admitted prior art.

Claims 5, 7, and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 has been amended to include the subject matter of claim 4 and allowable claim 5, and is therefore allowable. Claims 3 and 6-9, which depend from amended claim 2, are then also allowable. Support for claim 7 can be found in Para. [0036] of the specification.

Claim 1, which is the method claim corresponding to device claim 2, has been amended to include the features of allowable claim 5, and is therefore also allowable. Claim 10, which depend from amended claim 1, is then also allowable. A new independent claim 11 has been added which recites a device for securely switching between operating modes of an industrial controller for machine tools or production machines. The device includes identification means selected from the group consisting of an identification card, a transponder and a biometric device, for identifying an operator before switching between the operating modes, and an operator's console of the controller receiving from the identification means a redundant binary enable signal if the operator is successfully identified. The device further includes a key located on the operator's console and implemented in safe technology. The key enables the operator to switch between the operating modes if the operator's console receives from the identification means the enable signal and determines that the enable signal is error-free.

The device recited in claim 11 includes an identification card, a transponder and/or a biometric device for identifying an operator. None of these identification means (identification card, transponder and/or biometric device) is taught or suggested by Simonich or any of the other references cited, or a combination thereof. Applicant therefore believes that claims 11 and 12, which depends from claim 11, are allowable over the art of record.

Allowance of claims 1-3, and 6-12 is thus respectfully requested.

CONCLUSION

In view of the above presented remarks, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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